



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

March 14, 2007

Mr. Harrington, City Attorney
Park City Municipal Corporation
P.O. Box 1480
Park City, UT 84060

Subject: Ontario Mine M0430003 (retired file)

Dear Mr. Harrington:

This is in response to your February 28, 2007 letter requesting a formal determination concerning the status of the above noted mine in relation to the Utah Mined Land Reclamation Act (UMLRA). You noted that in reviewing our files you were unable to find a final determination in regard to the reclamation of this site. It is not our normal practice to give advisory opinions or issue written determinations when we have elected not to take an action unless we have made a thorough investigation of the matter. However, based on your requests I have reviewed the files and it appears that there have been a number of investigations concerning the applicability of the UMLRA to this site. Therefore I will set forth our findings based on those investigations.

In late 2002, I received an informal request from a Park City Council member to find out if the Ontario Mine is still under the jurisdiction of the UMLRA. Our Assistant Attorney General, Steve Alder, reviewed the facts and Division's chronology and advised the Division of Oil, Gas and Mining that it had no continuing responsibility to try to permit or to require reclamation of the Ontario mine site. Research determined that our then- Director and then-Associate Director of Mining had made this same determination in 1992. This also was not documented in the file, just in notes to the data base, and in personal files.

OGM has made the determination that any mining that did occur without a permit occurred so long ago that our authority to require a permit or reclamation by bringing an action at this time against either Noranda or United Park City Mines, under the UMLRA, is precluded by the statute of limitations. OGM makes this finding based on an assessment of the record and of current activities at the site. OGM finds that the water harvesting and management currently occurring at the Ontario Mine site do not fall under the definition of "mining" as set forth in our statute and rules. Prior mining activities occurred at least 20 years ago, and may have predated UMLRA, according to claims of UPCM. The site can also no longer

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be considered as a "proposed mining operation". Therefore the division finds that it has no present jurisdiction over the site under the UMLRA.

In speaking with Mr. Jeff Schoenbacher of your office, I understand that Park City may be interested in reclamation review and advice from Reclamation Specialists working within OGM. To that end, we can offer to set up a meeting with some of our engineering and reclamation experts. We would also refer Park City to OGM's website to the online publication of "The Practical Guide to Reclamation in Utah". If Park City's concerns lean more to the clean up of ground or water contaminating materials, we suggest your best advice would come from clean-up experts within the Department of Environmental Quality or the EPA.

If we may be of further assistance, please contact me at 801-538-5306 or by email maryannwright@utah.gov . Thank you for your patience in working with us.

Sincerely,



Mary Ann Wright
Associate Director, Mining

MAW/pb

cc: Steve Alder, AAG
Susan White, OGM
Mark Mesch, OGM
Jeff Schoenbacher, Park City
Kevin Murray, Chapman and Cutler, LLP
Rosemary J. Beless, Fabian & Clendenin

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